REMARKS

Applicants respectfully request reconsideration of the present Application. Claims 1-7, 9-13, 15-20, 22, 24-25, 27, 29-30, and 34 have been amended herein. Care has been exercised to introduce no new matter. Claims 1-7, 9-13, 15-20, 22, 24-25, 27, 29-30, and 34 are pending and are believed to be in condition for allowance.

Rejections based on 35 U.S.C. § 103

A)   Applicable Authority

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivations found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See *Application of Bergel,* 292 F.2d 955, 956-957 (CCPA 1961). Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR* opinion, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in

order to determine whether there was an apparent reason to combine the known elements in the

fashion claimed by the [patent application]. *KSR v. Teleflex*, No. 04-1350, 550 U.S. 398 (2007).

        B)   <u>Obviousness Rejection Based on U.S. Pub. No. 2005/0097174 (hereinafter</u>

"Daniell")

        Claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell.

The Office contended that even though Daniell does not explicitly disclose the feature of, "and

fully displays non-offensive portions of the message," said claimed feature is rejected as being

done manually by a parent for a child, since the parent is blocking the objectionable words from

being viewed by the child (*see OA*, p.4-5). The Office also cites *In re Venner, 262 F.2d 91, 95,*

120 USPQ 193, 194 (CCPA 1958) to support said rejection (*Id*, p.2). Applicants respectfully

traverse and request withdrawal of said rejection for the following reasons.

        In re Venner states that, "if a new combination of old elements is to be patentable,

the elements must cooperate in such manner as to produce a new, unobvious, and unexpected

result," and "it is well settled that it is not 'invention' to broadly provide a mechanical or

automatic means to replace manual activity which has accomplished the same result."

Applicants' claimed filtering and content blocking computer-executable components filter and

block, respectively a great deal more than a parent would be capable of. The Office's attention is

directed to Andrews (2003/0204569), which was cited as a prior art reference in the instant

Office Action. Andrews discloses that machine learning techniques can be used to classify

strings of byte patterns as potentially deriving from a virus (*see Andrews*, ¶ [0051]). Andrews

also discloses that programs generated as a result of viruses can be identified by a Multipurpose

Internet Mail Extension header inside the e-mail, which is necessary for the virus to propagate

(*Id*, ¶ [0055]). Neither the byte patterns nor the e-mail header could be filtered by the parent,

regardless of the amount of manual activity expended to attempt the task. In addition, a filtering computer-executable component and a content blocking computer-executable component are not burdened with human limitations or subjectivities. A computer-executable component will perform its written instructions at any time without interruption, unlike a parent who may become overburdened and decide to forego a certain amount of filtering and blocking. A computer-executable component will continually maintain its objective instructed level of filtering and blocking without succumbing to pressure or enticement from without or within the defined system. The throughput of Applicants' claimed invention is also well beyond the capabilities of any parent. Furthermore, Applicants' claim 1 is not claiming a result, but is instead claiming a system. That system requires a processor to execute the claimed computer executable components stored on a computer readable medium. The parent described in Daniell clearly does not meet this requirement. As a result, Applicants' filtering and content blocking computer-executable components *provide a new result* by filtering and blocking at levels not achievable by the parent, i.e. classifying strings of byte patterns and identifying a specific header inside the e-mail. Applicants' filtering and content blocking computer-executable components also *provide results above those obtainable by manual means,* wherein manual means are restricted by physical and subjective limitations.

      C)   <u>Obviousness Rejection Based on U.S. Pub. No. 2005/0097174 (hereinafter "Daniell") and U.S. Patent No. 7,222,309 (hereinafter "Chupin")</u>

      Claims 1, 5, 6 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell and further in view of Chupin. Applicants respectfully traverse and request withdrawal of said rejection for the following reasons.

Regarding independent claim 1, the Office acknowledged that Daniell does not explicitly disclose, "and fully displays non-offensive portions of the message," then relied upon Chupin to ostensibly describe this claimed feature (*see OA*, p.6). However, the entire Chupin document just describes restricting e-mail content to an approved list of senders and screening the content (*see Chupin*, col.6 line 20 – col.7 line 45). Chupin is silent as to displaying non-offensive portions of the message. In addition, independent claim 1 has been amended to also require, "a content blocking computer-executable component, <u>triggered when a junk score of the message exceeds a first threshold level</u>, which blocks the offensive portions ..." Neither Daniell nor Chupin, partially or completely describes Applicants' amended independent claim 1. Since amended independent claim 1 is now allowable over the prior art of record, dependent claims 5, 6, and 10 are also allowable over the prior art of record, at least for the reasons discussed above with regard to amended independent claim 1. Support for amendments to independent claim 1 can be found in Applicants' specification at p.8 lines 22-24.

D)   <u>Obviousness Rejection Based on U.S. Pub. No. 2005/0097174 (hereinafter "Daniell"), U.S. Patent No. 7,222,309 (hereinafter "Chupin"), and U.S. Pub. No. 2005/0165895 (hereinafter "Rajan")</u>

Claims 2-4, 7, 9, 18-20, 22, 24, 25, 27 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell and Chupin, and further in view of Rajan. Applicants respectfully traverse and request withdrawal of said rejection for the following reasons.

Claims 2-4, 7, 9, and 18-20 depend from amended independent claim 1. As discussed above, amended independent claim 1 was established to be allowable over the prior art of Daniell and Chupin. Rajan is directed to classification of e-mail (*see Rajan*, Abstract) and does not compensate for the deficiencies of Daniell and Chupin. Therefore, dependent claims 2-

4, 7, 9, and 18-20 are also allowable over the prior art of record, at least for the reasons discussed above with regard to amended independent claim 1.

Regarding independent claim 22, the Office acknowledged that Daniell does not explicitly disclose "enabling a user to preview the non-offensive portions of the message," then relied upon Chupin to ostensibly describe this claimed feature (*see OA*, p.14). However, the entire Chupin document just describes restricting e-mail content to an approved list of senders and screening the content (*see Chupin*, col.6 line 20 – col.7 line 45). Chupin is silent as to displaying non-offensive portions of the message. Rajan is directed to classification of e-mail (*see Rajan*, Abstract) and does not compensate for the deficiencies of Daniell and Chupin. In addition, independent claim 22 has been amended to also require, "enabling a user to preview the non-offensive portions ... while blocking the offensive portions ... when the junk score exceeds a first threshold level; and issuing a challenge message to the sender of the message, triggered when the junk score exceeds a second threshold level, wherein the first threshold level differs from the second threshold level," which the prior art of record does not describe, either singly or in any combination. Since amended independent claim 22 is allowable over the prior art of record, dependent claims 24, 25, and 27 are also allowable over the prior art of record, at least for the reasons discussed above with regard to amended independent claim 22. Support for amendments to independent claim 22 can be found in Applicants' specification at p.8 lines 25-29 and p.12 lines 1-2.

Regarding independent claim 34, the Office acknowledged that Daniell does not explicitly disclose "and displaying the non-offensive portions," then relied upon Chupin to ostensibly describe this claimed feature (*see OA*, p.17). However, the entire Chupin document just describes restricting e-mail content to an approved list of senders and screening the content

(*see Chupin*, col.6 line 20 – col.7 line 45). Chupin is silent as to displaying non-offensive portions of the message. In addition, independent claim 34 has been amended to also require, "means for blocking the offensive portions ... and displaying the non-offensive portions ... when the junk score <u>exceeds a first threshold level; and means for issuing a challenge message to the sender of the message when the junk score exceeds a second threshold level</u>," which the prior art of record does not describe, either singly or in any combination. Amendments to independent claim 34 can be found in Applicants' specification at p.8 lines 25-29 and p.12 lines 1-2.

     E)   <u>Obviousness Rejection Based on U.S. Pub. No. 2005/0097174 (hereinafter "Daniell"), and U.S. Pub. No. 2005/0165895 (hereinafter "Rajan")</u>

     Claims 22 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell and further in view of Rajan. Applicants respectfully traverse and request withdrawal of said rejection for the following reasons.

     As discussed above with regard to the Office's arguments using support from *In re Venner*, (and incorporated herein by reference in support of the allowability of claims 22 and 34) Daniell does not describe Applicants' claimed features for "enabling a user to preview the non-offensive portions of the message in at least a preview pane while blocking the offensive portions of the message ... when the junk score exceeds a <u>first</u> threshold level; <u>and issuing a challenge message to the sender of the message, triggered when the junk score exceeds a second threshold level, wherein the first threshold level differs from the second threshold level</u>," (claim 22). Daniell also does not describe "means for blocking the offensive portions of the message ... and displaying the non-offensive portions ... when the junk score <u>exceeds a first threshold level; and means for issuing a challenge message to the sender of the message when the junk score exceeds a second threshold level</u>" (claim 34). Rajan is directed to classification of e-mail (*see*

Rajan, Abstract) and does not compensate for the deficiencies of Daniell, thereby rendering independent claims 22 and 34 allowable over the prior art of Daniell and Rajan.

> F)   Obviousness Rejection Based on U.S. Pub. No. 2005/0097174 (hereinafter "Daniell"), U.S. Patent No. 7,222,309 (hereinafter "Chupin"), and U.S. Pub. No. 2003/0009495 (hereinafter "Adjaoute")

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell and Chupin, and further in view of Adjaoute. Applicants respectfully traverse and request withdrawal of said rejection for the following reasons.

Claim 11 depends from amended independent claim 1, where amended independent claim 1 was previously established to be allowable over the prior art of Daniell and Chupin. Adjaoute is directed to filtering electronic content according to thesaurus-based contextual analysis of the content (*see Adjaoute*, Abstract), and does not compensate for the deficiencies of Daniell and Chupin in describing amended independent claim 1. Similarly, dependent claim 11 is also allowable over the prior art of record, at least for the reasons discussed above with regard to amended independent claim 1.

> G)   Obviousness Rejection Based on U.S. Pub. No. 2005/0097174 (hereinafter "Daniell"), U.S. Patent No. 7,222,309 (hereinafter "Chupin"), U.S. Pub. No. 2005/0165895 (hereinafter "Rajan"), and U.S. Pub. No. 2003/0204569 (hereinafter "Andrews")

Claims 12, 13, 15-17 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell, Chupin, and Rajan, and further in view of Andrews. Applicants respectfully traverse and request withdrawal of said rejection for the following reasons.

Claims 12, 13, and 15-17 depend from amended independent claim 1, where amended independent claim 1 was previously established as allowable over the prior art of

Daniell and Chupin. Rajan is directed to classification of e-mail (*see Rajan*, Abstract) and Andrews is directed to filtering out e-mail infected by an unknown computer virus (*see Andrews*, ¶ [0001]), neither of which compensate for the deficiencies of Daniell and Chupin. Similarly, dependent claims 12, 13, and 15-17 are also allowable over the prior art of record, at least for the reasons discussed above with regard to amended independent claim 1. In addition, the prior art of record does not describe the previously presented claim 12 feature of, "a challenge activation computer-executable component, *triggered when the junk score of the message exceeds a second threshold level.*"

Claim 30 depends from amended independent claim 22, where amended independent claim 22 was previously established as allowable over the prior art of Daniell, Chupin, and Rajan. Andrews is directed to filtering out e-mail infected by an unknown computer virus (*see Andrews*, ¶ [0001]), and does not compensate for the deficiencies of Daniell, Chupin, and/or Rajan. Similarly, dependent claim 30 is also allowable over the prior art of record, at least for the reasons discussed above with regard to amended independent claim 22.

H) <u>Obviousness Rejection Based on U.S. Pub. No. 2005/0097174 (hereinafter "Daniell"), U.S. Patent No. 7,222,309 (hereinafter "Chupin"), U.S. Pub. No. 2005/0165895 (hereinafter "Rajan"), and U.S. Pub. No. 2005/0080889 (hereinafter "Malik")</u>

Claim 29 was rejected under 35 U.S.C. 103(a) as being unpatentable over Daniell, Chupin, and Rajan, and further in view of Malik. Applicants respectfully traverse and request withdrawal of said rejection for the following reasons.

Claim 29 depends from amended independent claim 22, where amended independent claim 22 was previously established as allowable over the prior art of Daniell, Chupin, and Rajan. Malik is directed to providing child protection in communication services

(*see Malik*, Abstract), and does not compensate for the deficiencies of Daniell, Chupin, and/or Rajan. Similarly, dependent claim 29 is also allowable over the prior art of record, at least for the reasons discussed above with regard to amended independent claim 22.

CONCLUSION

For at least the reasons stated above, claims 1-7, 9-13, 15-20, 22, 24-25, 27, 29-30, and 34 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 202-783-8400 or nberezny@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due; however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112 with reference to Attorney Docket Number 308121.01/MFCP.149221.

Respectfully submitted,

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